

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

GRACIELA DEL CARMEN ROMERO,

Plaintiff,

v.

JOAQUIN LEVYA and P.S.O.B., INC. *d/b/a*  
PACIFIC STAR RESTAURANT & OYSTER  
BAR,

Defendants.

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1:19-CV-683-RP

**ORDER**

On July 3, 2019, Plaintiff Graciela Del Carmen Romero (“Romero”) filed her complaint in this action. (Dkt. 1). The Court issued a summons for Defendants Joaquin Levya and P.S.O.B., Inc. *d/b/a* Pacific Star Restaurant & Oyster Bar (collectively, “Defendants”) on July 8, 2019. (Dkt. 3). To date, there is no indication that Romero has served Defendants with the complaint and summons. “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). More than 90 days have passed since Romero filed her complaint.

**IT IS ORDERED** that Romero shall show cause, in writing, on or before **October 11, 2019**, as to why her claims against Defendants should not be dismissed for failure to timely serve them. Failure to do so may result in the dismissal of this action. *See* Fed R. Civ. P 4(m); Fed. R. Civ. P. 41(b) (action may be dismissed for want of prosecution or failure to comply with court order); *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998) (district court has authority to dismiss case for want of prosecution or failure to comply with court order).

**SIGNED** on October 3, 2019.



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ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE